

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

JEREMIAH JAMES GOODWIN,
Plaintiff,

v.

Civil No. 3:23cv52 (DJN)

UNKNOWN,
Defendant.

MEMORANDUM OPINION

By Memorandum Order entered on February 7, 2023, the Court conditionally docketed Plaintiff's civil action and mailed him the forms required for prisoner filings. (ECF No. 5.) Plaintiff returned the forms sent to him by the Clerk. (ECF Nos. 6, 7.) However, the Court realized that Plaintiff was not a prisoner but a civil detainee. Accordingly, by Memorandum Order entered on March 31, 2023, the Court directed Plaintiff to complete and return a non-prisoner *in forma pauperis* affidavit. (ECF No. 15.) Plaintiff returned the affidavit to the Court; however, he refused to sign the affidavit and marked an "X" through the section that required a signature. (ECF No. 16, at 1.) Accordingly, by Memorandum Order entered on May 1, 2023, the Court informed Plaintiff that if he wished to proceed with the action, he must sign and complete the *in forma pauperis* affidavit. (ECF No. 17, at 1.) The Court provided Plaintiff with one more opportunity to complete and return the form within thirty (30) days of the date of entry thereof. (*Id.*)

Plaintiff has not complied with the orders of this Court. Plaintiff failed to return a completed *in forma pauperis* affidavit form. Furthermore, he has not paid the statutory filing fee for the instant action. *See* 28 U.S.C. § 1914(a) (setting forth district court fees). Such conduct

demonstrates a willful failure to prosecute. Accordingly, this action will be DISMISSED WITHOUT PREJUDICE pursuant to Fed. R. Civ. P. 41(b).

An appropriate Order shall accompany this Memorandum Opinion.

Let the Clerk file a copy of the Memorandum Opinion electronically and send a copy to Plaintiff.

/s/


David J. Novak
United States District Judge

Richmond, Virginia
Dated: June 8, 2023